



CRM-M-15276-2024

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15276-2024
Decided on : 17.07.2024

Vikrampal @ Vicky Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.26 dated 22.03.2023 under Sections 21(b), 27-a and 29 of NDPS Act, 1985 registered at Police Station Tibber District Gurdaspur.
2. Learned counsel for the petitioner contends that as per the case of the prosecution itself, the petitioner was not accompanying the co-accused Manbir Singh @ Sabi and Gaurav from whom recovery of 6 grams of heroin along with drug money in the sum of Rs.10,000/- was allegedly affected. Learned counsel has further submitted that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-



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accused Manbir Singh @ Sabi and Gaurav, who stated that the recovered contraband i.e. 6 grams of heroin had been procured through the petitioner. It has further been submitted that the falsity of the prosecution version is evident from the fact that on the said date when the alleged recovery was affected, the petitioner was already in custody in some other case and hence, it could not be possible for him to have supplied the recovered contraband to the co-accused. It has still further been submitted that the disclosure statement on the basis of which the petitioner was nominated as an accused has very poor evidentiary value and is inadmissible in evidence. Learned counsel has thus, prayed for extending the concession of bail to the petitioner since only one prosecution witness out of 12 cited has been examined till date even though challan was presented on 29.08.2023 and charges framed on 29.10.2023.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Balwinder Singh, has not disputed that the petitioner was not accompanying the co-accused from whom alleged recovery of 6 grams of heroin was affected; it has also not been disputed that the petitioner's name surfaced in the disclosure statement made by co-accused, who then nominated him as an accused in the present case.

4. On a pointed query put to the learned State counsel, he has not disputed that on the day when the alleged recovery was affected from the co-accused, the petitioner was indeed behind bars in some



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case registered against him. On a further query, learned counsel, on instructions, has submitted that on being arrested, no recovery of any contraband was affected from the petitioner. However, State counsel has produced the Custody Certificate of the petitioner wherein it stands revealed that the petitioner is involved in other cases under the NDPS Act and concededly he is in custody in those cases registered against him.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 26.04.2023. Concededly, the petitioner was nominated as an accused on the basis of disclosure statement suffered by co-accused and no recovery of contraband much less heroin was affected from him after he was taken out on production warrants. The investigation in the case in hand is complete as challan stands presented. The trial would take considerable time to conclude as 11 prosecution witness still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on



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the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

17.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No